



**AGENDA**  
**RIO DELL PLANNING COMMISSION**  
**"VIRTUAL" REGULAR MEETING**  
**TUESDAY, SEPTEMBER 22, 2020 – 6:30 P.M.**  
**CITY HALL COUNCIL CHAMBERS**  
**675 WILDWOOD AVENUE, RIO DELL**

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**WELCOME....** *Copies of this agenda, staff reports and other material available to the Commission are available at the City Clerk's office in City Hall, 675 Wildwood Avenue and on the City's website at [www.cityofriodell.ca.gov](http://www.cityofriodell.ca.gov). Your City Government welcomes your interest and hopes you will attend and participate in Rio Dell Planning Commission meetings often.*

**SPECIAL PUBLIC HEALTH EMERGENCY ALTERATIONS TO MEETING FORMAT  
CORONAVIRUS (COVID-19)**

Due to the unprecedented public health threats posed by COVID-19 and the resultant need for social distancing, changes to the City Council and Planning Commission format are required. Executive Order N-25-20 and N-29-20 from Governor Gavin Newsom allow for telephonic Planning Commission meetings and waives in-person accessibility for Planning Commission meetings, provided that there are other means for the public to participate. Therefore, and effective immediately, and continuing only during the period in which state or local public health officials have imposed or recommended social distancing measures, the City Council and the Rio Dell Planning Commission will only be holding "virtual" meetings.

**Public Comment by Email:**

In balancing the health risks associated with COVID-19 and need to conduct government in an open and transparent manner, public comment on agenda items can be submitted via email at [publiccomment@cityofriodell.ca.gov](mailto:publiccomment@cityofriodell.ca.gov). Please note which project the comment is directed to and email your comments to the above email address. The City Clerk will read comments out loud, for up to three minutes and provide an immediate response to the comment(s).

**Zoom Public Comment:**

When the Chair announces the agenda item that you wish to comment on, call the conference line and turn off your TV or live stream. Please call the toll-free number **1-888-475-4499**, enter meeting ID **987-154-0944** and listen for the prompts to join the meeting. You will continue to hear the meeting on the call. When it is time for public comment on the item you wish to speak on, press star (\*) 6 to unmute your phone. You will hear a prompt that will indicate your phone is unmuted. Please state your name and begin your comment. You will have 3 minutes to comment.

A. CALL TO ORDER

B. ROLL CALL

C. PLEDGE OF ALLEGIANCE

D. CEREMONIAL MATTERS

E. CONSENT CALENDAR

- 1) 2020/0922.01 - Approve Minutes of the August 25, 2020 Regular Meeting  
(ACTION)

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F. PUBLIC PRESENTATIONS

*This time is for persons who wish to address the Commission on any matter not on this agenda and over which the Commission has jurisdiction. As such, a dialogue with the Commission or staff is not intended. Items requiring Commission action not listed on this agenda may be placed on the next regular agenda for consideration if the Commission directs, unless a finding is made by at least 2/3rds of the Commission that the item came up after the agenda was posted and is of an urgency nature requiring immediate action.*

***Due to the COVID-19 situation public comment must be submitted via email at [publiccomment@cityofriodell.ca.gov](mailto:publiccomment@cityofriodell.ca.gov). Your comments will be read out loud, for up to three minutes.***

G. SCHEDULED MATTERS/PUBLIC HEARINGS/STUDY SESSIONS

- 2) 2020/0922.02 - Approve Resolution No. PC 151-2020 Approving Cortazar Minor Subdivision Subject to Conditions of Approval (File No. 205-031-061- Case No. PMS 16-01  
(ACTION)

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H. STAFF COMMUNICATIONS

I. ADJOURNMENT



In compliance with the American with Disabilities Act (ADA), if you need Special assistance to participate in this meeting, please contact the Office of the City Clerk at (707) 764-3532. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting.

***The next Regular Planning Commission meeting is scheduled for  
Tuesday, October 27, 2020 at 6:30 p.m.***

**RIO DELL PLANNING COMMISSION  
REGULAR MEETING MINUTES  
AUGUST 25, 2020**

**CALL TO ORDER**

Commissioner Angeloff called the special “virtual” meeting of the Rio Dell Planning Commission to order at 6:32 p.m.

Present were Commissioners Angeloff, Arsenault, Millington, and Wilson. Absent was Commissioner Kemp (joined late).

Others present were Community Development Director Caldwell and City Clerk Dunham.

**CEREMONIAL MATTERS**

Formalize the Appointment of Larry Arsenault to Fill the Unexpired Term Ending December 31, 2021

Community Development Director Caldwell stated that at the last meeting, the Commission accepted the resignation of Planning Commissioner Marks. At that time, Planning Commissioner Alternate Arsenault had the option to remain as Alternate or to step up to fill the unexpired term vacated by Commissioner Marks. He informally accepted the position of Planning Commissioner. This formalizes the appointment and recognizes the vacant position of Planning Commission Alternate.

Motion was made by Wilson/Millington formalizing the appointment of Larry Arsenault as Planning Commissioner to fill the unexpired term ending December 31, 2021. Motion carried 4-0.

**CONSENT CALENDAR**

Planning Commission Chair Angeloff asked if any Planning Commissioner or member of the public had any questions or corrections to the minutes as presented.

Commissioner Millington made one correction to the minutes on page 1 changing the word “recognition” to “resignation” related to Planning Commissioner Marks.

Approve Minutes of the July 1, 2020 Special Meeting

Motion was made by Millington/Wilson to approve the minutes of the July 1, 2020 special meeting as corrected. Motion carried 4-0.

## **PUBLIC PRESENTATIONS**

None

**Commissioner Kemp joined the meeting at this time, 6:42 p.m.**

## **SCHEDULED MATTERS/PUBLIC HEARINGS/STUDY SESSIONS**

### **Approve Resolution PC 148-2020 Recommending the City Council Amend the Existing Sign Regulations, Section 17.30.300, Table 7-1 of the Rio Dell Municipal Code**

Community Development Director Caldwell provided a staff report and said that Element 7 recently submitted construction drawings, including sign details proposing three (3) signs on their building. One would be on the Ash St. side near the entrance to the building and two (2) signs on the front of the building. The current sign regulations only allow one on-building sign with a maximum of 100 square feet in the Town Center and all Commercial zones. He commented that Element 7 was willing to pursue a Variance but after further consideration, staff decided to recommend amending the current sign regulations to allow up to three on-building signs in these zones.

He referred to the Petaluma Outlet Mall with signs on the backside of the businesses that can be viewed by travelers on Highway 101. He pointed out that the same could apply with potential development of the Todd property at Davis St. and 101.

Staff recommended modification of the current regulations to allow up to three on-building signs with no modifications to the maximum square footage of the signs which is 100 square feet.

Community Development Director Caldwell noted that he consulted with the Chamber of Commerce and they support the proposed modification.

He continued with review of the required findings and recommended adoption of the Resolution.

Commissioner Kemp asked if the three on-building signs would only apply to corner lots.



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Community Development Director Caldwell indicated that the regulations would apply to all lots within the Town Center and Commercial zones.

Commissioner Millington asked if the maximum square footage of on-building signs in the Town Center would remain at 100 square feet.

Community Development Director Caldwell explained that the square footage would still apply with an exception to exceed the size limits through the Conditional Use Permit process.

Commissioner Arsenault referred to the construction drawing of Element 7 on page 28 of the packet and asked if they are proposing to close in the porch.

Community Development Director Caldwell commented that they would be enclosing the porch to increase the usable space of the building.

Commissioner Arsenault felt that the proposed Element 7 sign was sterile looking and didn't really fit with Rio Dell.

Commissioner Wilson thought the sign was attractive.

Commissioner Angeloff called for public comment on the proposed sign modifications. No public comment was received.

Motion was made by Kemp/Millington to adopt Resolution PC 148-2020 *Recommending the City Council Amend the Existing Sign Regulations, Section 17.30.300, Table 7-1 of the Rio Dell Municipal Code*. Motion carried 5-0.

Adopt Resolution No. 149-2020 Approving Rio Dell Holdings Proposed Subdivision (File No. 205-111-069; Case No. PMS 18-01 Modification)

Community Development Director Caldwell provided a staff report recommending approval of a proposed subdivision for Rio Dell Holdings. He explained that this is a modification of the approved subdivision from 2018. The applicants have redesigned the proposed subdivision of the 15+/- acre parcel into four (4) parcels of 1.20, 1.58, 3.77, and 6.63 acres and a remainder parcel of 1.85 acres.

He referred to page 47 of the staff report showing the site plan for the proposed subdivision and reviewed the required findings. He noted that the subject parcel

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contains a brownfield site which is located on the proposed 1.85 remainder parcel. The Department of Toxic Substances Control (DTSC) who is overseeing the remediation of the site has requested that the City impose conditions to the subdivision requiring that the owners enter into a Voluntary Oversight Agreement, and that they provide written verification from DTSC to the City indicating that they have no objection to the recordation of the Parcel Map. He said that staff conditioned the project accordingly.

Community Development Director Caldwell commented that the property currently has drainage issues during moderate to heavy storm events and provided the Commission with a copy of a photo that was taken illustrating the ponding that occurs on site.

He said that the Improvement Plans identify proposed fill for all of the building pads on each of the proposed parcels. However; the applicants are proposing to defer the fill until the time of development of the parcels. In addition, there are a couple of man-made drainage ditches and culverts on site that have not been maintained in years and appear to be silted in and showing signs of failing. Staff is recommending that the project be conditioned on clearing and removing the silt deposits in the ditches to accommodate additional stormwater, and to replace the two existing culverts at the north end of the site.

Commissioner Arsenault asked if the City would be getting a list of all chemicals and soil amendments for hydroponics systems.

Community Development Director indicated the City would be obtaining a list as well as the State of California.

Commissioner Arsenault said that he was excited about the proposal for solar and asked how much electricity they would be generating.

Community Development Director Caldwell commented that he is not sure the solar array is going to be included in the final plans. Although it was in one of the earlier plans, it would be at the discretion of the applicant noting that they are not mandated to install solar.

Commissioner Arsenault referred to page 52 of the packet showing street surfaces and new ground surface with 2 and 1 slopes and asked if that is something they are

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building up or if it is existing.

Community Development Director Caldwell explained that the parcel is located within the 100-year flood zone and is subject to FEMA's flood regulations. Should the applicants want to build the pads up in order to comply with the flood regulations that is one option they could consider. The other option is to flood-proof the buildings. He noted that staff conditioned the project accordingly.

**Travis Schneider**, Project Engineer for Pacific Affiliates thanked Community Development Director Caldwell and the City's engineer, GHD for their assistance with the project and said that this is not the run of the mill project, largely with the issues with utilities and flood plain issues. He said that regard to utilities, staff has recommended that all utilities be installed prior to recordation of the parcel map and that his hope is to be able to negotiate the conditions related to utilities.

He explained that the concern is that they reconfigured the subdivision largely in part because there are a lot of unknowns with regard to sizing the utility services that are required. As such, they provided direct street frontage to all utilities that allow them to access them at a later time once a defined project has been identified.

He urged the Commission to consider removing that condition as long as they provide a legal right for utilities to each parcel and to not install conduit until the project has been identified.

Related to stormwater, he said that he doesn't know how staff arrived at 10,000-gallon increase in capacity for stormwater and said that he is not necessarily averse to it but each project site is required to follow LID requirements which is something the Commission should consider.

The third issue had to do with the widening of Northwestern Ave. 15 feet. He said that he could appreciate widening it if it were necessary because of a traffic safety issue or parking matter however, it doesn't make sense to create more impervious surface and require more drainage infrastructure area for purposes of widening Northwestern Ave. when in fact all parcels would be required to comply with LID and parking requirements as part of the subdivision.

Community Development Director Caldwell expressed concern about not stubbing in the utilities or at least providing conduit for the utilities and the idea is to not

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have to go back out and sawcut the road and the sidewalk. He pointed out the cost of conduit is very cheap. He explained that he is not in the position to decide to deviate from the requirement and noted that 10,000-gallon requirement is identical to the condition imposed on the Marathon 101 and Marathon 102 projects.

He commented that in regard to the sidewalks along the edge of Northwestern Avenue, those projects were conditioned to provide sidewalks along the edge of the right-of-way of Northwestern Avenue. The goal is to be consistent with the conditions imposed on the other developments.

**Travis Schneider** indicated that he didn't have an issue with installing curb and gutter along Northwestern Avenue; his concern is that it doesn't make sense to make Northwestern Avenue 15 feet wider. He said if they are going to sawcut Northwestern Avenue to install utilities, it doesn't make sense to do it twice. At this point, they don't have any identified projects as far as power demands or water demands and was fearful that if they were to install a 4-inch lateral they might find out later that they need a 6-inch lateral. He said that he could appreciate saw cutting once, and repaving once but at the same time, he thinks that is more project specific. As such, he said that he was not sure how to satisfy that requirement at this time.

Commissioner Angeloff asked staff if there was confusion about the widening of Northwestern Avenue.

Community Development Director Caldwell said that it seems that the applicant does not want to expand Northwestern Avenue to the edge of the property line. He acknowledged that there would be additional cost but said that every developer needs to extend along the boundary of their respective parcel(s).

**Travis Schneider** said the bigger concern is the 15-foot widening of asphalt improvements, not just the curb, gutter and sidewalk situation, but a 15-foot widening of Northwestern Avenue. In his opinion, it is not necessarily necessitated based on its overall use, noting that it would make more sense to create greater green space and impervious area for drainage purposes.



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Community Development Director Caldwell explained that it is a 50-foot right-of-way and typically what you have are two 5-foot sidewalks, curb, gutter, 5-foot bicycle lane, 8-foot parking lane and a 12-foot travel way.

He explained that staff is trying to be consistent with the other parcels along Northwestern Avenue. He said that he appreciates the applicants concern about the additional costs for the additional pavement but reiterated that conditions are consistently applied. He commented that in his experience, he doesn't know of any projects where the City has allowed sidewalks to be offset by 15 or 18 feet from the property line.

He said if the applicant wishes, staff would be willing to arrange a meeting with City staff, GHD, and perhaps the City Attorney to discuss the proposed modifications and continue the item to the next regular meeting on September 22, 2020.

Commissioner Angeloff mentioned inconsistency with other parcels and said that he could envision that properties adjacent and down the road would look totally different if this wasn't done with these parcels.

**Travis Schneider** commented that nobody has developed at this point and that once again, he is not averse to installing curb, gutter and sidewalk. He said that they are required to provide on-site parking and with a required parking lane there is a lot of impervious surface being required for a project that doesn't require a lot of parking.

Community Development Caldwell stated that in regard to parking, other developers have applied for parking exceptions. He added that he truly believes if staff were to consult with the City Manager and the City Attorney regarding this condition, they would say that this requirement is necessary and consistent with other projects. He pointed out that there are no on-site road improvements required as part of this subdivision which is very unique. He said that he believes this is an appropriate condition and recommends the Commission impose it.

**Travis Schneider** said that he understood staff's position on this issue and deferred to the utility installation which he said was a little more concerning to him. He noted that all of these parcels have frontage to where they have accessibility to utilities and that it makes sense to install utilities only once.

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Community Development Director Caldwell clarified that staff is not asking that all utilities be installed but rather approximately 66 feet of conduit for each parcel which he feels is a reasonable request.

**Travis Schneider** said that he is an engineer not a cannabis cultivator or cannabis processor but the industry is very dynamic and he wants to be pro-active and not make one party pay for something that conceivably could be torn out later on.

Commissioner Angeloff asked for the approximate cost of 240 feet of 6-inch conduit.

**Travis** explained that the conduit is relatively negligible relative to the excavation, backfill, compaction testing and materials. More importantly, his concern is related to PG&E being able to provide the available services with the demand. In addition, there are a number of unknowns which is one of the things that triggered the reconfiguration of the subdivision and the ultimate development of each parcel.

Commissioner Angeloff stated that his understanding with PG&E is that service is not as much of an issue with the properties at the Humboldt Rio Dell Business Park as elsewhere in the county because of the former mill located there. He said that it sounds like the current owners want the new buyers to install the utilities thus avoiding that expense up front. He pointed out that industrial developments are not necessarily cut and dry.

Community Development Director Caldwell said that these projects are unique and typically with recordation of a subdivision map, those parcels are suitable for their intended use and basically turn key so the buyer does not have to extend utilities. That's why staff thought there was an agreeable compromise by requiring the applicant to simply install the conduit for the utilities because of the unknown.

Commissioner Angeloff asked if they had any concept for the electrical amps needed for the project

Community Development Director Caldwell noted that they have indicated the proposed use would be for mixed-light cultivation but the number of lights was not calculated. He commented that a 400-amp service would allow for (75) 1,000 watt grow lights and that one light is typically needed for every 100 sq. ft. of mixed-light cultivation.

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Commissioner Angeloff pointed out that the use is not known until such time the parcel is sold but if a user wants to do indoor cultivation, the largest size conduit is probably needed.

**Travis** commented that Kevin is only doing his job and agreed on installation of utilities but wanted to be smart about it. He said that unfortunately, this is a square peg in a round hole situation. He said that he is fearful the applicant would spend money for not and in the spirit of the project there are too many unknowns.

He said that he would be willing to concede on some of the improvements as far as the paving is concerned but would like to defer on the installation of utilities as long as they can so they can have a truly defined project for the site before installing utilities that are not appropriate.

Community Development Director Caldwell said that he appreciated the applicants comment related to the unknown and recommended at a minimum that the Commission impose a condition for installation of 6-inch conduit for each parcel. They could run normal power and if a buyer comes in and needs more, the upgrade would be at the buyer's expense.

Commissioner Angeloff asked the applicant if they were addressing the water issue as well.

Community Development Director Caldwell referred to Condition of Approval #9 which states in part: *"Utilities including water, power, phone, cable TV, etc. shall be installed to the property line."*

Discussion continued regarding installation of utilities. Community Development Director Caldwell said that staff would support modification of Condition #9 as follows: *Utilities: "The applicant shall install utility boxes/vaults and conduits/raceways to the back of the sidewalk."*

Travis agreed that it would be a prudent decision for both the applicant and the City and would agree that it would be silly to put something in that is too small. He suggested coming up with something that is reasonable related to the size of the conduit and installing it to the back of the sidewalk.

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He said that he felt the applicants and the City agreed on the three items he was concerned about. The only other item he wanted to bring up was the ponding issue on parcel 3. He said that he didn't know when the photo was taken but felt that it may be dated as some of the ponding issues had been resolved. He noted that he had not personally inspected the culverts but thought they could probably vac them out. He said that he didn't know if they were rusted but would like to clean up some of the language regarding that issue.

Community Development Director Caldwell commented that he did actually inspect the culverts although it was difficult to get through all the brush noting that the ditches had probably not been cleaned since 2012 when Dennis Wendt did it. He indicated that the photo was taken during the Spring of 2019. He said that he felt that staff captured the language in the Conditions of Approval that allows the City Engineer to inspect and decide on the reliability of those culverts.

**Travis** said that it would be smart to go out and suck out the silt in the culverts and determine if they are still serviceable.

Community Development Director agreed and referred to the language in Condition #16 which stated in part: *"Should the City Engineer determine that these culverts are in good working condition this condition may be removed."*

Commissioner Angeloff called for public comment on the proposed subdivision. No further public comment was received.

Commissioner Kemp pointed out that with regard to the size of the conduit, PG&E will dictate the size depending on the development.

Motion was made by Millington/Arsenault to adopt Resolution No. PC 149-2020 *approving Rio Dell Holdings Proposed Subdivision with modifications to Condition #9 requiring the applicant to install utility boxes/vaults and conduits/raceways to the back of the sidewalk.* Motion carried 5-0.

**Travis** thanked the Commissioners and staff for engaging in a rational discussion.

**STAFF COMMUNICATIONS**



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Community Development Director Caldwell reported on items for the next agenda which included Review of the Housing Element Update; Rio Dell Holdings Cannabis Activities Conditional Use Permit Application; Humboldt Hi-Grade Cannabis Activities Conditional Use Permit Application; and possibly one other item.

Commissioner Angeloff asked for an update on Marathon 101 and Marathon 102.

Community Development Director Caldwell noted that Marathon 102 is moving forward with their project and working on the grading.

He reported that Glenn White is also moving forward with his project and has installed curb, gutter, and sidewalk, installed the vaults for the transformers and the conduit, and is now installing the main service panel.

He said that Humboldt Brand is continuing to do well and also Proper Wellness. Element 7 plans are under review.

On another note, he reported that he was contacted by the owner of Shotz Coffee and they are interested in potentially acquiring 391 Wildwood Ave. and moving the coffee shop, putting in a restaurant and 5 additional commercial units.

**ADJOURNMENT**

The meeting adjourned at 7:48 p.m. to the September 22, 2020 regular meeting.

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Nick Angeloff, Chair

Attest:

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Karen Dunham, City Clerk

675 Wildwood Avenue  
Rio Dell, CA 95562  
(707) 764-3532



**For Meeting of: September 22, 2020**  
☐ Consent Item; ☒ Public Hearing Item

To: Planning Commission

From: Kevin Caldwell, Community Development Director

A handwritten signature in blue ink, appearing to be "K Caldwell", written over the name Kevin Caldwell.

Through: Kyle Knopp, City Manager

Date: September 14, 2020

Subject: Cortazar Subdivision  
File No. 205-031-061; Case No. PMS 16-01

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**Recommendation:**

That the Planning Commission:

1. Receive staff's report regarding the proposed subdivision;
2. Open the public hearing, receive public input and deliberate;
3. Close the public hearing;
4. Find that the proposed subdivision: (1) is consistent with the Rio Dell General Plan; (2) complies with the requirements and standards of the City's zoning regulations; (3) complies with the requirements and standards of the City's subdivision regulations; (4) is physically suitable for the type of development; and (5) is Categorically Exempt pursuant to Section 15315 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations.
5. Adopt Resolution No. 151-2020 approving the proposed subdivision.

## Summary

The applicant is proposing three (3) parcels of about 2.6 acres each. Please see the Tentative Map, Attachment 1. The parcels will be provided City water and dependent on septic systems. Parcel 3 is developed with a single-family residence.

This project has been on hold for the past few years. The proposed project is the subdivision of the 150+/- acre Remainder Parcel that was created in 2005. Attachment 2 includes a copy of the Parcel Map. When the parcel was created years ago, the Fire Department was opposed to any additional subdivisions until the road was improved and water mains extended to provide adequate fire flows. City staff, the Fire Chief and the applicant recently held a conference call to work out a compromise so the applicant can move forward with the proposed Minor Subdivision. The Fire Department is supportive of the proposed subdivision subject to the following conditions:

1. The 6" main shall be extended to the west of the ranch house;
2. A fire hydrant shall be located near the end of the 6" main;
3. A 6" main shall be extended to the barn and a fire hydrant installed;
4. The mains shall be hydro-tested and flush-tested at a minimum 200 psi;
5. Access to the existing fire hydrant below the 100,000-steel tank shall be improved, including a turn-around area;
6. Dinsmore Ranch Road shall be graded and rocked to the driveway location on proposed Parcel 1;
7. The vegetation/brush along Dinsmore Ranch Road west of the ranch house up the driveway location on proposed Parcel 1 shall be cleared to the satisfaction of the Fire Department and the Department of Public Works;
8. A Knox-Box shall be required on the existing gate on Monument Road near the existing fire hydrant and on any gates on the proposed three parcels;
9. A 5,000-gallon dedicated emergency water storage with wharf hydrant at a location approved by the Fire Department for Parcels 1 and 2 at the time of development;
10. A 5,000-gallon dedicated emergency water storage with wharf hydrant at a location approved by the Fire Department for Parcel 3;
11. A new pressure reducer shall be installed at the Monument Road fire hydrant location.

It should be noted that the intersection of Dinsmore Ranch Road and Monument Road is adjacent to a slide that occurred on the south side of Monument Road in 2018. The slide has reduced the width of Monument Road at the intersection. The slide and road are scheduled to be repaired in the late spring or summer of 2021. The proposed work will include improvements at the intersection of Dinsmore Ranch Road and Monument Road. A copy of the plans is included as Attachment 3.

The applicant has submitted evidence in support of making the required findings. Therefore, staff recommends that the Planning Commission approve the project as conditioned.

Based on a site inspection, the nature of the proposed project, comments from referral agencies, staff believes the project will not result in a significant impact on the environment.

### **Required Findings**

Pursuant to Section 66474 of the Subdivision Map Act and Title 16 of the Rio Dell Municipal Code (RDMC) in order approve this project the Planning Commission must determine that the applicant has submitted evidence in support of making all of the following required findings:

1. That the proposed subdivision together with the provisions for its design and improvements is consistent with the City's General Plan; and
2. That the proposed subdivision complies with the requirements and standards of the City's zoning regulations; and
3. That the proposed subdivision complies with the requirements and standards of the City's subdivision regulations; and
4. That the proposed subdivision is physically suitable for the type of development; and
5. The proposed subdivision is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

### **Staff Analysis**

#### **1. General Plan Consistency:**

The General Plan designation for the project site is Rural (R). The purpose of the Rural zone is to provide for low density residential and agricultural uses. The Rural designation requires an average parcel size of five (5) acres. The proposed subdivision will result in four (4) parcels on 150+/- acres complying with the five (5) acre average parcel size.

There are a number of General Plan goals and policies related to the proposed subdivision. The following information identifies the evidence which supports the finding that the proposed subdivision is in conformance with all applicable policies of the General Plan.



***GP Policy Natural Environment G2.1-3; “Preserve drainage channels, habitat and open space.”***

There is a large pond and associated wetland area on the northwest corner of the Remainder parcel. There are no drainage channels or wetlands on any of the three (3) parcels.

***GP Goal Natural Environment G2.1-5; “Regulate clearing and development of steep slopes, river, stream and drainage channels.”***

The proposed subdivision will not require the clearing and development of steep slopes, rivers or streams. The building sites for Parcels 1 and 2 are fairly flat and will only require minimal grading.

***GP Goal Natural Environment G2.1-9; “Minimize loss of life and property from natural and man-made hazards.”***

The parcel is not located within the 100-year flood zone according to FEMA’s Flood Insurance Rate Map (FIRM) of the area. The area is within a Moderate Slope Stability area. Based on a site inspection and the slopes (5%+/-), staff has not required a Soils/Geologic Report.

***GP Policy Soils & Geologic Resources P2.1.1-4; “Require geo-technical reports to ensure that slope and stability measures are incorporated into project design.”***

As indicated above, the site is in an area of “Moderate Instability”. Again, based on a site inspection and the slopes (5%+/-), staff has not required a Soils/Geologic Report.

***GP Policy Water Resources P2.1.2-3; Incorporate on-site drainage facilities such as retention and infiltration systems to reduce run-off and maximize infiltration.***

Given the location and proposed density, stormwater runoff is not an issue with the proposed subdivision.

***GP Policy Public Services P2.2.3-2; “Cooperate with the Rio Dell Fire Protection District to ensure that emergency services are adequate.”***

As previously discussed, the Rio Dell Fire Protection District has worked closely with the applicant and the City in identifying conditions of approval to facilitate the proposed subdivision. Again, the Fire Department is supportive of the proposed subdivision subject to the following conditions:

1. The 6” main was extended to the west of the ranch house;

2. A fire hydrant shall be located near the end of the 6" main;
3. A 6" main shall be extended to the barn and a fire hydrant installed;
4. The mains shall be hydro-tested and flush-tested at a minimum 200 psi;
5. Access to the existing fire hydrant below the 100,000-steel tank shall be improved, including a turn-around area;
6. Dinsmore Ranch Road shall be graded and rocked to the driveway location on proposed Parcel 1;
7. The vegetation/brush along Dinsmore Ranch Road west of the ranch house up the driveway location on proposed Parcel 1 shall be cleared to the satisfaction of the Fire Department and the Department of Public Works;
8. A Knox-Box shall be required on the existing gate on Monument Road near the existing fire hydrant and on any gates on the proposed three parcels;
9. A 5,000-gallon dedicated emergency water storage with wharf hydrant at a location approved by the Fire Department for Parcels 1 and 2 at the time of development;
10. A 5,000-gallon dedicated emergency water storage with wharf hydrant at a location approved by the Fire Department for Parcel 3;
11. A new pressure reducer shall be installed at the Monument Road fire hydrant location.

In addition, staff is recommending that the applicant attempt to establish a Road Maintenance Association (RMA) for the continued maintenance of Dinsmore Ranch Road. **Please refer to Exhibit A.**

***GP Policy Public Services P2.2.3-4; "Encourage new development to contribute its fair share of infrastructure improvements to serve the proposed development."***

Again, the project has been conditioned to require the applicant to improve the access road by grading, rocking and vegetation reduction to the proposed driveway location on Parcel 1. Again, staff is also recommending that the applicant form a Road Maintenance Association (RMA) The project has been conditioned accordingly. **Please refer to Exhibit A.**

Section 17.30.310 et. seq. of the Zoning Regulations requires the construction of curb, gutter, sidewalks and street improvements as conditions of approval of an entitlement permit. This is also consistent with a number of Goals and Policies of the Circulations Element, including Policies 3-1 and 3-2, requiring pedestrian and bicycle improvements. Furthermore, these

regulations and policies are consistent with AB 1328, Complete the Streets legislation and the United States Department of Transportation Policy Statement on bicycle and pedestrian improvements.

Given the rural nature of the subdivision and proposed density, staff is not recommending the applicant be required to install curb, gutter and sidewalks along the frontage of the parcels.

***General Plan Policy Public Services P2.2.3-4; Require underground utilities for new development.***

The project has been conditioned to require power, phone and cable to be buried underground to the proposed parcels. **Please refer to Exhibit A.**

Based on comments from referral agencies, information submitted by the applicant and the recommended conditions of approval, the evidence supports the finding that the proposed subdivision is in conformance with all applicable policies of the General Plan.

## **2. Zoning Consistency:**

The property is zoned Rural (R). Again, the purpose of the Rural zone is to provide for low density residential and agricultural uses. The Rural designation requires a five (5) acre minimum parcel size. However, the Zoning Regulations contain provisions for Lot Size Modifications provided the lots are not less than half of what the zone requires and the total number of lots created by the subdivision and do not exceed that allowed by the applicable General Plan and zone designations. Again, the applicant is proposing three (3) parcels of about 2.6 acres each and a Remainder Parcel of about 142 acres.

All other zoning regulations, including setbacks, building height, lot coverage and parking will be evaluated at the time the parcels are proposed to be developed.

Based on the proposed subdivision, the proposed project complies with the requirements of the City's Zoning Regulations.

## **3. Subdivision Regulations Consistency:**

The City's Subdivision Regulations, Title 16 of the Rio Dell Municipal Code (RDMC) and the City's Standard Improvement Specifications identifies the requirements for subdivisions.

Section 16.05.030 of the RDMC requires General Plan and Zoning compliance. As previously discussed the project as conditioned is consistent with the General Plan policies and the City's zoning regulations.



Section 16.05.040 identifies the Tentative Map requirements identify the required information on the map. The submitted Tentative Map for the proposed subdivision complies with the requirements of Section 16.10.040 of the RDMC.

Section 16.10.050 identifies the required application submittal requirements, which includes the Tentative Map, Soils Report, Drainage Report when necessary and Title Reports.

As indicated above, the site is in an area of "Moderate Instability". Again, based on a site inspection and the slopes (5%+/-), staff has not required a Soils/Geologic Report. In regards to the Drainage report, as stated previously, given the location and proposed density, stormwater runoff is not an issue with the proposed subdivision. As such, staff did not require a Drainage Report. A Title Report was submitted. The Title Report will have to be updated at the time the Parcel Map is reviewed prior to recordation.

Section 16.10.120 et. seq. of the City's Subdivision Regulations identifies the mapping requirements. The subdivision is considered a minor subdivision, four parcels and a "Remainder". The "Remainder" is not a parcel for map purposes pursuant to Section 66424.6(a)(1) of the Subdivision Map Act. A "Remainder" parcel is not for the purpose of sale, lease or financing pursuant to Section 66424.6(a). However, the "Remainder" may be subsequently sold without any further requirement of the filing of a Parcel Map of Final Map (§ 66424.6(d)).

Based on the proposed improvements and recommended conditions of approval, staff believes the proposed subdivision is consistent with the City Subdivision Ordinance and the City's Standard Improvement Specifications.

**4. That the proposed subdivision is physically suitable for the type of development:**

Based on a site inspection and recommended conditions of approval, staff believes the proposed lots are suitable for residential development.

**5. The proposed subdivision is not likely to cause substantial environmental damage or substantially and avoidably impact fish or wildlife or their habitat.**

The project was referred to a number of agencies for comment and recommendations. No agencies, including the California Department of Fish and Wildlife (CDFW), identified any concerns or recommendations.

Based on the proposed project, staff has determined that the project is Statutorily Exempt pursuant to Section 15315 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15315 of the CEQA Guidelines this exemption applies to the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local



standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent.

**Attachments:**

Attachment 1: Tentative Map

Attachment 2: 2005 Parcel Map

Attachment 3: Conditions of Approval

Attachment 4: Resolution No. PC 151-2020

**Cortazar Minor Subdivision  
File No. 205-031-061; Case No. PMS 16-01  
Conditions of Approval**

**Approval of the subdivision is conditioned upon the following terms and requirements which must be fulfilled before the Parcel Map may be recorded.**

**1. Map Expiration:** The approval of the Tentative Map shall expire 24 months after all appeal periods have lapsed.

**2. Taxes:** All taxes to which the property is subject shall be paid in full if payable, or secured if not yet payable to the satisfaction of the County's Tax Collector's Office, and all special assessments on the property must be paid or reapportioned to the satisfaction of the affected assessment district. Please contact the Tax Collector's Office approximately three to four weeks prior to filing the Final Map to satisfy this condition.

**4. Map Type:** The applicant must cause to be filed a Parcel Map in accordance with the Final Map requirements of Section 16.10.120 et. seq. of the Rio Dell Municipal Code (RDMC). The approved lot line adjustment shall be reflected on the Final Map. A subdivision map checking deposit of \$500.00 shall be paid at the time the subdivision map is submitted for checking. County Recorder fees shall be paid prior to submittal of the map to the County recorder for filing.

**5. Improvement Plans:** Pursuant to Section 16.25.060 of the Rio Dell Municipal Code (RDMC) the applicant shall submit improvement/construction plans for the required water mains and fire hydrants. Improvement plans must be prepared by a Civil Engineer registered by the State of California. Improvement plans shall be on 24" x 36" sheets, unless otherwise approved by the City Engineer.

The Improvement Plans shall be reviewed, signed as approved by the City Engineer (GHD). A plan checking deposit of \$500.00 shall be paid at the time the Improvement Plans are submitted for checking. The City Engineer shall review and approve the Improvement Plans prior to any construction activity.

**6. Required Improvements:**

1. The 6" main was extended to the west of the ranch house;
2. A fire hydrant shall be located near the end of the 6" main;
3. A 6" main shall be extended to the barn and a fire hydrant installed;
4. The mains shall be hydro-tested and flush-tested at a minimum 200 psi;

5. Access to the existing fire hydrant below the 100,000-steel tank shall be improved, including a turn-around area;
  6. Dinsmore Ranch Road shall be graded and rocked to the driveway location on proposed Parcel 1;
  7. The vegetation/brush along Dinsmore Ranch Road west of the ranch house up the driveway location on proposed Parcel 1 shall be cleared to the satisfaction of the Fire Department and the Department of Public Works;
  8. A Knox-Box shall be required on the existing gate on Monument Road near the existing fire hydrant and on any gates on the proposed three parcels;
  9. A 5,000-gallon dedicated emergency water storage with wharf hydrant at a location approved by the Fire Department for Parcels 1 and 2 at the time of development;
  10. A 5,000-gallon dedicated emergency water storage with wharf hydrant at a location approved by the Fire Department for Parcel 3;
  11. A new pressure reducer shall be installed at the Monument Road fire hydrant location.
- 7. Unknown Improvements:** Other on-site and/or off-site improvements may be required which cannot be determined from the Tentative Map at this time. These improvements, if any, will be determined after a complete review of the required Improvement Plans.
- 8. Easements:** All easements, including Drainage easements that encumber or are appurtenant to the subdivision shall be shown graphically on the Parcel Map. Those easements that do not have a metes and bounds description shall be noted on the Parcel Map and shown as to their approximate location.
- 9. Utilities:** *Condition Modified by Planning Commission August 25, 2020.* All future utilities, including water, power, phone, cable tv, etc. shall be placed underground to the residences

#### **Informational Notes**

1. If potential archaeological resources, paleontological resources or human remains are unearthed during grading activities, all work ground disturbing activities shall be stopped and a qualified archaeologist funded by the applicant and approved by the City of Rio Dell and the Bear River Band of the Wiyot Nation, shall be contracted to evaluate the find, determine its significance, and identify any required mitigation (e.g., data recovery, resource recovery, in-situ preservation/capping, etc.). Any such mitigation shall be implemented by the developer prior to resumption of any ground disturbing activities.

2. In accordance with California Health and Safety Code §7050.5 and California Public Resources Code §5097.94 and 5097.98, if human remains are uncovered during project subsurface construction activities, all work shall be suspended immediately and the City of Rio Dell, Humboldt County Coroner and the Bear River Band of the Wiyot Nation shall be immediately notified. If the remains are determined by the Coroner to be Native American in origin, the Native American Heritage Commission (NAHC) shall be notified within 24 hours of the determination, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains.



## Kevin Caldwell

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**From:** Kevin Caldwell  
**Sent:** Thursday, September 17, 2020 9:58 AM  
**To:** Allan Baird (ambairdengineers@gmail.com); James Cortazar (carpan123@yahoo.com)  
**Cc:** Kyle Knopp; Karen Dunham; Randy Jensen; Nathan.Sanger@ghd.com; Steve McHaney <Steve.McHaney@ghd.com> (Steve.McHaney@ghd.com); Shane Wilson (shawil22@aol.com)  
**Subject:** Cortazar Subdivision

Morning:

Following up on our phone meeting of August 3<sup>rd</sup>. At the meeting we were told we would have "As-Builts" within two weeks. I don't believe they have been submitted. Please provide an update. In looking over my notes, it was agreed to following conditions would be applied to the minor subdivision:

1. The 6" main was extended to the west of the ranch house;
2. A fire hydrant shall be located near the end of the 6" main;
3. A 6" main shall be extended to the barn and a fire hydrant installed;
4. The mains shall be hydro-tested and flush-tested at a minimum 200 psi;
5. Access to the existing fire hydrant below the 100,000 steel tank shall be improved, including a turn-around area;
6. Dinsmore Ranch Road shall be graded and rocked to the driveway location on proposed Parcel 1;
7. The vegetation/brush along Dinsmore Ranch Road west of the ranch house up the driveway location on proposed Parcel 1 shall be cleared to the satisfaction of the Fire Department and the Department of Public Works;
8. A Knox-Box shall be required on the existing gate on Monument Road near the existing fire hydrant and on any gates on the proposed three parcels.

Randy Jensen has also recommended a new pressure reducer be installed at the Monument Road fire hydrant location. We will also be recommending that a Road Maintenance Association be established for Dinsmore Ranch Road.

The project will be conditioned on the above requirements.

Again, please provide a status update on the "As-Built" plans.

Kevin Caldwell  
City of Rio Dell  
Community Development Director  
Building Inspector  
Hours: Monday - Thursday 8:00 am - 5:00 pm  
675 Wildwood Avenue  
Rio Dell, CA. 95562  
(707)764-3532  
Email: [caldwellk@cityofriodell.ca.gov](mailto:caldwellk@cityofriodell.ca.gov)

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**RESOLUTION NO. PC 151-2020**



**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIO DELL  
APPROVING THE CORTAZAR SUBDIVISION:**

**WHEREAS** the applicant is proposing three (3) parcels of about 2.6 acres each and a Remainder Parcel of about 142 acres; and

**WHEREAS** proposed Parcel 3 is developed with a single-family residence; and

**WHEREAS** the parcels will be provided City water and dependent on septic systems; and

**WHEREAS** pursuant to Section 66474 of the Subdivision Map Act and Title 16 of the Rio Dell Municipal Code (RDMC) in order approve this project the Planning Commission must determine that the applicant has submitted evidence in support of making all of the following required findings:

1. That the subdivision together with the provisions for its design and improvements is consistent with the City's General Plan; and
2. That the subdivision complies with the requirements and standards of the City's zoning regulations; and
3. That the subdivision complies with the requirements and standards of the City's subdivision regulations; and
4. That the subdivision is physically suitable for the type of development; and
5. The subdivision is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat; and

**WHEREAS** the applicant has provided evidence that the subdivision is consistent with the General Plan, Zoning and Subdivision regulations. In addition, the parcels are suitable for their intended use and there is no evidence to suggest that approving the subdivision will cause

substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat; and

**WHEREAS** staff has determined that the subdivision is Statutorily Exempt pursuant to Section 15315 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations; and

**NOW, THEREFORE, BE IT RESOLVED** the Planning Commission finds that based on evidence on file and presented in the staff report and the recommended conditions of approval that the proposed subdivision complies with all of the following required findings:

1. That the subdivision together with the provisions for its design and improvements is consistent with the City's General Plan; and
2. That the subdivision complies with the requirements and standards of the City's zoning regulations; and
3. That the subdivision complies with the requirements and standards of the City's subdivision regulations; and
4. That the subdivision is physically suitable for the type of development; and
5. The subdivision is not likely to cause substantial environmental damage or substantially and avoidably fish or wildlife or their habitat; and

**BE IT FURTHER RESOLVED** that the Planning Commission of the City of Rio Dell approves the subdivision subject to conditions of approval.

**I HEREBY CERTIFY** that the forgoing Resolution was PASSED and ADOPTED at a regular meeting of the Planning Commission of the City of Rio Dell on September 22, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Nick Angeloff, Chair

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Resolution No. PC 151-2020 adopted by the Planning Commission of the City of Rio Dell on September 22, 2020.

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Karen Dunham, City Clerk, City of Rio Dell